

REMARKS

Claims 1-18 are pending with the response to this Office Action. Claims 1-18 are rejected.

In a preliminary amendment, the Applicant requested that the title be amended to “**A GOAL BASED SYSTEM UTILIZING AN ACTIVITY TABLE**”.

Typographical Errors

The Applicant has amended claims 1 and 10 so that the elements are identified in a proper order.

In claims 3 and 12, the Applicant has replaced “the previous presentation area” with “a previous presentation area”. A proper antecedent basis is established.

In claim 10, the Applicant has replaced “the control” with “control”. A proper antecedent basis is established.

Request for Information

The Office Action requests all related information concerning the subject application and the February 7, 2002, Response, applicable to Smialek and application 09/219,478. However, 09/219,478 issued on August 24, 2004 as U.S. Patent No. 6,782,374 and is no longer a pending patent application. Thus, in concert with the examples provided by MPEP § 704.11, the Applicant believes that the Applicant no longer needs to provide the requested information because all of the requested material is now available to the Examiner.

If the Examiner cannot locate any specific documents, the Examiner is invited to call the Applicant’s representative. The Applicant’s representative will provide copies of whatever the Examiner needs.

Information Disclosure Statement

The Examiner did not consider the non-patent and the foreign patent documents cited in the IDS filed on February 4, 2002. The Applicant is filing a Supplementary IDS with copies of the relevant documents in a separate paper.

Drawing Objections

Corrected drawings are submitted herewith. The corrected drawings remove all PCT references.

Specification Objections

The reformatted specification removes all of the PCT markings. No new subject matter is added. The reformatted specification is included in this response.

The abstract was included in the application as filed. However, the abstract is reformatted to be consistent in format with the specification. The reformatted abstract is included in this response.

Abstract

As discussed above, the abstract, as originally filed, has been reformatted to be consistent in format with the specification.

Double Patenting

Claims 1-10 are rejected by the Office Action under U.S.C. 101 as claiming the same invention as that of claims 1-10 of prior U.S. 6,016,486. The Applicant has amended claims 1-9 to claim “a computer data signal embodied in a transmission medium.” As amended, claims 1-9 include different subject matter than claims 1-9 of U.S. 6,016,486. Also, the Applicant has amended claim 10 to include “logic that manages information flow **of the presentation by** utilizing a linked list”. (Emphasis added.) This feature is not included in claim 10 of prior U.S. 6,016,486. Thus, the Applicant is requesting reconsideration of claims 1-10.

Claims 11-18 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 12-19 of U.S. 6,016,486. The Applicant is filing a terminal disclaimer in a separate paper. Thus, the Applicant requests reconsideration of claims 11-18.

Claims 1 and 10 are provisionally rejected under judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 11 of co-pending Application No. 09/219,478 (granted on August 24, 2004 as US 6,782,374). The Applicant is

filing a terminal disclaimer in a separate paper. Thus, the Applicant requests reconsideration of claims 1 and 10.

Claims Rejections – 35 U.S.C. § 112

Claim 1 is rejected by the Office Action under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The Office Action alleges that “ ‘motivates’ is a relative term and establishes claim 1 as indefinite.” The Applicant disagrees. A common usage of “motivate” is to “provide with an incentive.” (The American Heritage Dictionary, Second College Edition, Houghton Mifflin Company.) Either an incentive is provided or is not provided. The meaning is definite. Thus, the Applicant requests reconsideration of claim 1.

Claim Rejections – 35 U.S.C. § 101

Claims 1-9 are rejected by the Office Action under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The Office Action alleges that “The language of the claim raises the question as whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application.” As discussed above, the Applicant has amended claims 1-9 to claim “A computer data signal embodied in a transmission medium” that is clearly not an abstract idea and that is tied to a technological art, environment or machine that would result in a practical application. Thus, the Applicant is requesting reconsideration of claims 1-9.

Claim Rejections – 35 U.S.C. § 102

Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 97/44766 (Cook). The Applicant believes that the rejection is improper. For example, a linked list comprises a data structure for access by a computer program. However, the Office Action alleges that the computer program itself is the linked list. While the Applicant believes that the rejection is improper, the Applicant is amending claim 1 to include “a management source code segment comprising source code for managing information flow utilizing a linked list, **wherein the linked list comprises a plurality of data records**” and claim 10 to include “logic that manages information flow of the presentation by utilizing a linked list, **wherein the linked list comprises**

a plurality of data records.” (Emphasis added.) For example, the instant specification, as originally filed, discloses (Page 33, lines 2-10.):

Use of a list is demonstrated by continuing our math test. The math question in this example invites the user to select multiple elements to construct the answer. These are the steps required to configure that section of the simulation. Figure 26 illustrates the steps for configuring a simulation in accordance with a preferred embodiment. Define a name for cell C23 in Excel. Here we have defined "The List". Let's use the same TaskID as before since Question 3 is part of the same simulation as Question 1 and 2. Ex: TaskID is 123. In the ICA, define a Target for the list. Ex: a TargetID of 4000 is generated by the ICA. In the ICA, define a SourceItem for every item that could be placed in the list. Ex: the following SourceItemIDs 1209, 1210, 1211, 1212, 1213, 1214 are generated by the ICA. Associate the list to a path (refer to Path object discussion). Add the information in the List table of the simulation engine database. A record in the List table in accordance with a preferred embodiment is presented in the table appearing below.

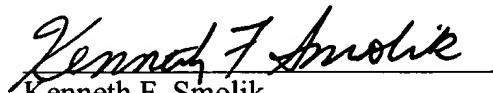
ListID:	1234G
TaskID:	123
PathID:	1234
ListName:	Question 3 list
ListDesc:	List for Question 3
ReferenceName:	The List
TutorAware:	True
TargetID:	4006
TotalColumns:	1
Row:	23
23	
Column:	3
SheetName:	Sheet1

While the Office Action alleges that “computer instructions are linked lists”, it is clear that computer instructions are not “a linked list, wherein the linked list comprises a plurality of data records.” Moreover, claims 2-9 and 11-18 ultimately depend from claims 1 and 10 and are not anticipated for at least the above reasons. Thus, the Applicant requests reconsideration of claims 1-18.

It is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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